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Letter dated 10 August 2015 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, presenting its position on the recommendations contained in the report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004) on the threat posed by the Islamic State in Iraq and the Levant and the Al-Nusrah Front for the People of the Levant (S/2014/815), which was submitted to the Committee in accordance with paragraph 22 of resolution 2170 (2014).

I should be grateful if the attached report could be brought to the attention of the Council members and issued as a document of the Security Council.

(*Signed*) Gerard **van Bohemen**
Chair
Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities

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Recommendations contained in the report of the Analytical Support and Sanctions Monitoring Team concerning the Islamic State in Iraq and the Levant and the Al-Nusrah Front for the People of the Levant: position of the Committee

I. Introduction

1. On 3 November 2014, the Analytical Support and Sanctions Monitoring Team submitted to the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities its report on the threat posed by the Islamic State in Iraq and the Levant (ISIL) and the Al-Nusrah Front for the People of the Levant (ANF) (S/2014/815).[1] The report was submitted pursuant to paragraph 22 of Security Council resolution 2170 (2014). The Committee would like to express its gratitude to the Monitoring Team for the exemplary work undertaken in the fulfilment of its mandate.

2. Since December 2005 the Committee has established the practice of responding to each of the reports submitted to it by the Monitoring Team and bringing to the attention of the Security Council the Committee's position on the recommendations contained in those reports.

3. In the antepenultimate preambular paragraph of resolution 2199 (2015), the Security Council welcomed the report on ANF and ISIL of the Analytical Support and Sanctions Monitoring Team and took note of its recommendations. Several recommendations are reflected in the resolution and reference is made in the present position paper to the relevant paragraphs of the resolution where applicable.

II. Sanctions recommendations

Encouraging further listings

4. The Monitoring Team recommends that the Committee and the Chair, through a targeted briefing and a note verbale, encourage Member States, in particular those most directly affected by the threat from ISIL and ANF, to propose further listings to the Committee, under the Al-Qaida sanctions regime, of key individuals and entities, including facilitators or entities most vulnerable to the effect of sanctions.

5. The Committee has agreed to take up this recommendation. Specifically, the Chair will write a letter or note verbale to Member States directly affected by the threat from ISIL and ANF (including countries of origin of foreign terrorist fighters), encouraging them to attend informal consultations with the Committee and the Monitoring Team to discuss how the ability of the Al-Qaida sanctions to inhibit the activities of ISIL and ANF can be improved by identifying effective targets for designations, including facilitators or entities most vulnerable to the effect of sanctions.

6. The Chair will also send a note verbale to all Member States inviting them to an open briefing to raise awareness about the role of the Al-Qaida sanctions Committee in addressing the threat from ISIL and ANF and encourage affected

[1] The former is listed on the Al-Qaida sanctions list as Al-Qaida in Iraq (AQI) (QDe.115), and the latter under permanent reference number QDe.137.

Member States (including source countries of foreign terrorist fighters) to propose key individuals and entities for designation, including facilitators or entities most vulnerable to the effect of sanctions.

Implementing the sanctions measures already in place

7. The Monitoring Team recommends that the Committee continue to encourage Member States to fully implement the measures currently in place under the Al-Qaida sanctions regime against ISIL and ANF, with a particular focus on States in which these two groups are present or draw recruits, financing or arms.

8. The Committee notes that this recommendation is reflected in the fourth preambular paragraph of resolution 2199 (2015), in which the Security Council emphasized that sanctions are an important tool under the Charter of the United Nations in the maintenance and restoration of international peace and security including countering terrorism, and underlined the importance of prompt and effective implementation of relevant resolutions, in particular Security Council resolutions 1267 (1999) and 1989 (2011) as key instruments in the fight against terrorism.

9. The Committee has agreed to take up this recommendation. In the letters/notes verbales, informal consultations and open briefing suggested above (paras. 4-6), the Chair will include a reminder to States of the importance of implementing the Al-Qaida sanctions, especially in the context of hindering the ability of ISIL and ANF to draw recruits and obtain finance or arms.

Capacity-building

10. The Monitoring Team, recognizing that implementation gaps at times result from a lack of Member State capacity, recommends that the Chair write to relevant United Nations and other relevant multilateral entities to encourage further focus on identifying relevant capacity gaps and meeting them through technical assistance and capacity-building projects.

11. The Committee notes that this recommendation relates to paragraph 14 of resolution 2199 (2015), in which the Security Council called upon Member States to consider provision of technical assistance and capacity-building to counter smuggling by ISIL, ANF and any other entity associated with Al-Qaida.

12. The Committee has agreed to take up this recommendation. The Chair intends to propose meeting with the Counter-Terrorism Committee, the Counter-Terrorism Committee Executive Directorate, the United Nations Office on Drugs and Crime, the United Nations Counter-Terrorism Centre and relevant entities of the Counter-Terrorism Implementation Task Force, including the International Criminal Police Organization (INTERPOL) and the International Civil Aviation Organization, to discuss capacity gaps and implementation issues. The Chair will also propose that the Al-Qaida sanctions Committee and the Counter-Terrorism Committee discuss developing a joint action plan for the two Committees, including specific action items going forward, to be agreed by the two Committees.

Asset freeze

13. The Monitoring Team, noting the risk of ISIL and ANF transferring assets overseas using the banking network, recommends that the Committee, in a note

verbale to Member States, highlight this risk and (a) encourage those that have not yet done so, and in accordance with their national legislation, to ensure heightened vigilance and appropriate enhanced due diligence procedures by financial institutions in their jurisdiction concerning all banking relationships and transactions involving banks in ISIL- and ANF-controlled territory; and (b) urge Member States, through their financial regulators, to ensure that banks and other financial institutions that have subsidiaries or branches operating in ISIL- and ANF-controlled territory have adequate measures in place to mitigate the terrorist financing risks that may arise in the course of doing business in ISIL- and ANF-controlled territory.

14. The Committee notes that this recommendation is reflected in paragraph 22 of resolution 2199 (2015), in which the Security Council urged enhanced vigilance of the international financial system, and paragraph 23, in which the Council urged Member States to take steps to ensure that financial institutions within their territory prevent ISIL, ANF or other individuals, groups, undertakings or entities associated with Al-Qaida from accessing the international financial system.

15. The Committee has agreed to take up this recommendation. The Chair, as part of the note verbale to be sent to all Member States (see para. 6 above), will include information to (a) highlight in general terms the possibility of ISIL and ANF transferring assets overseas using the banking network; (b) encourage those that have not yet done so, and in accordance with their national legislation, to ensure that financial institutions in their territory take appropriate preventive measures to prevent ISIL from accessing the international financial system; and (c) acknowledge that Iraq has taken national measures to mitigate the risk of ISIL taking advantage of banks in areas under its control.

16. The Chair will include this issue in the informal consultations and open briefing suggested above (paras. 4-6).

III. Enhanced sanctions recommendations

Revenue from oil

17. The Monitoring Team, noting continuing revenue generation by ISIL, in particular from crude oil smuggling, recommended that the Committee, through its Chair, request the Security Council to mandate all Member States bounding ISIL- or ANF-controlled territory to promptly seize all oil tanker-trucks and their loads that originate from or seek entry into ISIL- or ANF-controlled territory. Member States would also be mandated to report to the Committee on the details of any such seizures no later than 60 days after such seizures.

18. The Committee notes that this recommendation is reflected in resolution 2199 (2015). In paragraph 7 of the resolution, the Security Council emphasized that States are required to freeze without delay economic resources, including oil and related material, owned or controlled by ISIL, ANF, and other individuals, groups, undertakings and entities associated with Al-Qaida, or persons acting on their behalf or at their direction. In paragraph 10 of the resolution, the Council expressed concern that vehicles, including trucks and oil tankers, departing from or going to areas of the Syrian Arab Republic and Iraq where ISIL, ANF or any other groups, undertakings and entities associated with Al-Qaida operate, could be used to transfer

oil and oil products, modular refineries and related material, cash, and other valuable items, by or on behalf of such entities for sale on international markets, for barter for arms, or for use in other ways that would result in violations of the asset freeze or arms embargo in paragraph 1 of resolution 2161 (2014), and encouraged Member States to take appropriate steps in accordance with international law to prevent and disrupt activity that would result in violations of the asset freeze. In paragraph 12 of the resolution, the Council decided that Member States shall inform the Committee within 30 days of the interdiction in their territory of any oil, oil products, modular refineries and related material being transferred to or from ISIL or ANF.

19. The Chair will, as part of the note verbale to be sent to all Member States (see para. 6 above), include information to (a) highlight the risk of ISIL and ANF smuggling in oil; (b) explain the obligations pursuant to resolutions 2161 (2014) and 2199 (2015), including the potential eligibility of oil smugglers for designation; and (c) draw the attention of Member States to the guidance provided in the statement by the President of the Security Council of 19 November 2014 (S/PRST/2014/23). On 27 March 2015 the Chair dispatched a note verbale to all Member States providing guidance on reporting obligations pursuant to resolution 2199 (2015) and will shortly send a second note verbale urging Member States that have not yet submitted reports in accordance with resolution 2199 (2015) to do so.

20. The Chair will include these issues in the informal consultations and open briefing suggested above (paras. 4-6). The Committee will consider the recommendation for additional measures further, including its applicability to oil production and refining and related equipment and material.

Smuggling and sale of antiquities

21. The Monitoring Team, noting that ANF and ISIL may generate revenue from the smuggling and sale of antiquities illegally taken from the territory of the Syrian Arab Republic or Iraq, recommends that the Chair request the Security Council to mandate a worldwide moratorium on the trading of antiquities from the Syrian Arab Republic or Iraq since the adoption of resolution 2170 (2014) that lack clear, certified provenance.

22. The Committee notes that this recommendation was reflected in resolution 2199 (2015), in paragraphs 15 to 17 of which the Security Council condemned the destruction of cultural heritage in Iraq and the Syrian Arab Republic particularly by ISIL and ANF, and noted with concern that these and other groups associated with Al-Qaida are generating income from engaging directly or indirectly in looting and smuggling. The Council reaffirmed its decision in paragraph 7 of resolution 1483 (2003) and decided that all Member States shall take appropriate steps to prevent the trade in Iraqi and Syrian cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from Iraq since 6 August 1990 and from the Syrian Arab Republic since 15 March 2011, including by prohibiting cross-border trade in such items.

23. The Chair notes that an Arria-formula meeting was held in April 2015 for all Member States on the issue of combating the destruction, smuggling and theft of cultural heritage. The Director of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Secretary-General of INTERPOL provided briefings. The Chair will consider organizing informal consultations of the

Committee with UNESCO, the World Customs Organization, INTERPOL and the Monitoring Team to discuss views on the extent of the illegal trade from Iraq and the Syrian Arab Republic, any known links to funding Al-Qaida-associated terrorist groups in the region and practical issues associated with the implementation of a moratorium.

24. The Chair will, as part of its planned note verbale, informal consultations and open briefings (see paras. 4-6 and 12 above), include information to (a) highlight the risk of ISIL and ANF smuggling antiquities, and the provisions of resolution 2199 (2015) set out above; (b) explain the application of the asset freeze measures in paragraph 1 (a) of resolution 2161 (2014) and the eligibility of smugglers for designation; and (c) draw the attention of Member States to the guidance provided in the statement by the President of the Security Council (S/PRST/2014/23).

25. The Chair also intends to include this issue in its follow-up actions to the recommendations of the Monitoring Team as agreed by the Committee.

26. The Committee will consider further the recommendation for additional measures.

Movement of aircraft

27. The Monitoring Team, noting the risk that ISIL and ANF may seek to export valuable assets seized from the Governments, banking systems and citizens of Iraq and the Syrian Arab Republic, and also noting that ISIL and ANF may seek to import essential components or arms, recommends that the Chair request the Security Council to mandate that Member States deny an aircraft permission to land in or take off from their territories if that aircraft has taken off from or is destined to land in ISIL- or ANF-controlled territory.

28. The Committee notes that this recommendation is reflected in paragraph 10 of resolution 2199 (2015), in which the Security Council expressed concern that vehicles, including aircraft, departing from or going to areas of the Syrian Arab Republic and Iraq where ISIL, ANF or any other groups, undertakings and entities associated with Al-Qaida operate, could be used to transfer cash and other valuable items by or on behalf of such entities for sale on international markets, for barter for arms, or for use in other ways that would result in violations of the asset freeze or arms embargo in paragraph 1 of resolution 2161 (2014), and encouraged Member States to take appropriate steps in accordance with international law to prevent and disrupt activity that would result in violations of the asset freeze or targeted arms embargo in paragraph 1 of resolution 2161 (2014).

29. The Chair will include this issue in the note verbale, informal consultations and open briefings (see paras. 4-6 above).

30. The Committee will consider further the recommendation for additional measures.

Impact assessment

31. The Monitoring Team recommends that the Chair request the Security Council to mandate the Committee to conduct a formal impact assessment of the impact of the new measures (if adopted) within 180 days.

32. The Committee has agreed to take up this recommendation. The Committee notes that this recommendation is reflected in paragraph 30 of resolution 2199 (2015), in which the Security Council requested the Monitoring Team, in close cooperation with other United Nations counter-terrorism bodies, to conduct an assessment of the impact of these new measures and to report to the Committee within 150 days, and thereafter to incorporate reporting on the impact of these new measures into its reports to the Committee in order to track progress on implementation, identify unintended consequences and unexpected challenges, and to help facilitate further adjustments as required, and further requested the Committee to update the Security Council on the implementation of the resolution as part of its regular oral reports to the Council on the state of the overall work of the Committee and the Monitoring Team.

IV. Non-sanctions recommendations

Information-sharing on foreign terrorist fighters

33. The Monitoring Team recommends that the Committee send a note verbale to Member States drawing their attention to the urgent need for effective information-sharing on known and suspected foreign terrorist fighters, and encouraging them, in accordance with their national legislation, to use the INTERPOL transnational fighters database as a sharing tool, where appropriate, along with other relevant information-sharing tools.

34. The Committee has agreed to take up this recommendation. The Chair will, as part of its note verbale (see para. 6 above), draw the attention of Member States to the urgent need for effective information-sharing on known and suspected foreign terrorist fighters, and encourage them, in accordance with their national legislation, to use the INTERPOL transnational fighters database as a sharing tool where appropriate, along with other relevant information-sharing tools.

Promotion of toxic ideas and imagery

35. The Monitoring Team recommends that the Chair raise with the Security Council the need for more concerted multilateral and national action to address the toxic ideas and imagery that ISIL and ANF, along with other groups within the Al-Qaida movement, promote.

36. The Committee notes that this recommendation is reflected in the nineteenth preambular paragraph of resolution 2199 (2015), in which the Security Council expressed concern at the increased use, in a globalized society, by terrorists and their supporters, of new information and communications technologies, in particular the Internet, to facilitate terrorist acts, as well as their use to incite, recruit, fund or plan terrorist acts.

37. The Committee has agreed to take up this recommendation. The Chair will write to the Security Council highlighting the need for more concerted multilateral and national action to address the toxic ideas and imagery that ISIL and ANF, along with other groups within the Al-Qaida movement, promote.

38. The Chair will, as part of its planned note verbale (see paras. 4-6 above), include text to (a) highlight the recruitment activities of ISIL and ANF; and (b) explain the

eligibility of recruitment networks for designation under paragraph 2 (c) of resolution 2161 (2014).

39. In this connection, the Committee also notes the Monitoring Team's observations concerning the use of digital technology by ISIL and ANF for recruitment and radicalization, and the Chair will include this issue in the suggested letter, informal consultations, open briefing and joint meeting with the Counter-Terrorism Committee (see paras. 4-6 and 12 above).

40. The Chair will also write to the relevant entities of the Counter-Terrorism Implementation Task Force to encourage them to support regional initiatives in this regard.